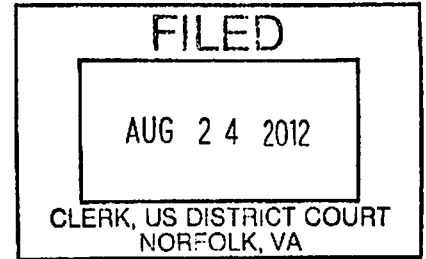


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA,
ex rel. ADVANCE CONCRETE, LLC,

Plaintiff,

v.

ACTION NO. 2:12cv198

THR ENTERPRISES, INC.,
et al.,

Defendants.

ORDER

This matter comes before the court on the defendants', THR Enterprises and Hanover Insurance Company, Motion to Dismiss or Alternatively Require More Definite Statement and/or Stay the Action (ECF Nos. 5, 6, and 7), filed by the defendants, on May 15, 2012. The matter was referred to United States Magistrate Douglas E. Miller by Order of June 6, 2012, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) Federal Rule of Civil Procedure 72(b).

The United States Magistrate Judge conducted a hearing on June 25, 2012. The Magistrate Judge's Report and Recommendation was filed on July 18, 2012. The Magistrate Judge recommended that the court grant in part and deny in part defendants' Motion to Dismiss, allowing the contract claim as pled, but dismissing the quantum meruit claim and plaintiff's claim for attorney's fees; deny defendants' Motion for More Definite Statement; and deny defendants' Motion to Stay.

By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On August 6, 2012, the court received defendants' Objection to the Magistrate Judge's Report and Recommendation. On August 23, 2012, the court received Plaintiff's Response.

The court, having examined the objection to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed July 18, 2012. Accordingly, the court **GRANTS IN PART** and **DENIES IN PART** defendants' Motion to Dismiss (ECF No. 5), allowing the contract claim as pled, but dismissing the quantum meruit claim, and plaintiff's claim for attorney's fees; **DENIES** defendants' Motion for More Definite Statement (ECF No. 6); and **DENIES** defendants' Motion to Stay (ECF No. 7).

The Clerk shall forward a copy of this Order to counsel for the parties.

It is so ORDERED.

/s/
Rebecca Beach Smith
Chief
United States District Judge *RBS*

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

August 24, 2012